THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.13482 OF 2003

Dated: 07th March, 2006.

Between:

Sri Sri Sri Pulluri Narayanadasu Seva Samithi

Rep. by its Treasurer M.Pandu Rao,

R/o. Kukatpally, Hyderabad. … Petitioner

And

1. The Commissioner of Endowments, Andhra Pradesh, Hyderabad and 3 others. .. Respondents.

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ORDER :

This writ petition is filed seeking a declaration that the proceedings of the 1st respondent – Commissioner of Endowments, Hyderabad, dated 13-5-2003 as arbitrary and illegal.

The petitioner claims to be a society registered under the A.P. (Telangana Area) Public Societies Registration Act, 1350 Fasli. It is stated that the devotees of Sri Pulluri Narayanadasu Ashramam Dwadasa Jyothirlinga Bhuvaneswari Devasthanam, Kukatpally (3rd respondent herein) purchased an extent of 573.5 square yards under a Registered Sale Deed, dated 31-8-1974 for the purpose of providing better accommodation and space for the temple.

Under the impugned proceedings dated 13-5-2003, the 1st respondent accorded permission under Section 80 (1) (a) of the Andhra Pradesh Charitable & Hindu Religious Institutions & Endowments Act, 1987 (for short, 'the Act') for sale of the above said land by way of public auction. The said proceedings of the 1st respondent – Commissioner of Endowments are under challenge in this writ petition contending inter alia that the proposed sale is not in the interest of the temple. It is further stated that the said land was purchased by the devotees to facilitate the devotees to perform the rituals and also to satisfy the vaasthu. It is also alleged that the temple was originally being managed by the villagers, however the management was taken over by the Department, they have started creating difficulties and now a drastic step is proposed to be taken by selling away the valuable properties of the temple.

The 2nd respondent – Assistant Commissioner of Endowments filed a counter-affidavit denying all the allegations made by the petitioner and stating that the temple has 211 square yards of vacant site in Sy.No.581 which is not useful for the temple in which a well (Mothubhavi) is existing. The Stapathy of Endowments Department inspected the said site belonging to the temple along with Deputy Executive Engineer, Endowments Department, Hyderabad on 06-11-2002. As per

the report submitted by him, the temple has to either purchase the private land adjacent to the temple or to sell away the vacant land belonging to the temple, which is also adjacent to temple as the unused well situated in between is not as per Vaasthu. As the financial position of the temple is not permitting the temple to purchase the vacant land and as there is no compound wall to the vacant site taking advantage of which many persons are trying to encroach the said vacant site belonging to the temple, the Endowments Authorities decided to sell away the said land in public auction for the benefit of the temple. For this purpose, the Endowments Authorities issued notification dated 21-2-2002 which was published in Praja Shakthi News Paper on 31-3-2003 calling objections from the general public for the sale of land within 30 days from the date of notification. The said notification was also published in A.P. Gazette, dated 10-3-2003 and the same was displayed on 4-3-2003 in the Notice-board of the temple, Notice-boards of the Mandal Revenue Officer, Balanagar, Municipal Office, Kukatpally. The petitioner has not raised any objections in response to the above notice issued by the Endowments Authorities for sale of the said land. Since no objections or suggestions were received in response to the above notification within the stipulated time, the Endowments Authorities issued Tender-cum-Public Auction Notification, dated 13-5-2003 for the sale of the said land which is questioned in this writ petition. The land which is being sold through Tender-cum-Public Auction Notification is not useful to the temple. On the other hand, if the money derived from the sale of land is deposited by way of fixed deposit in any Nationalised Bank, the temple will get income by way of interest. If the land is kept vacant, there is always a threat of encroachment. Hence, the respondents have decided to sell away the land which is not useful to the temple.

I have heard the learned Counsel for both the parties and perused the material on record.

Under Section 80 of the Act, sale of any immovable property belonging to any charitable or religious institution or endowment shall be null and void unless such transaction is affected with the prior sanction of the Commissioner. Under Section 80 (1) (b) of the Act before granting such sanction by the Commissioner, the particulars relating to the proposed transaction shall be published in the A.P. Gazette inviting

objections with respect thereto and the Commissioner can grant sanction only after considering the objections, if any, received from the trustee or other person having interest. It is also necessary for the Commissioner to record his satisfaction that the transaction is necessary or beneficial to the institution or endowment and that the consideration therefor is adequate and proper.

In the case on hand, the counter-affidavit filed by the 2nd respondent – Assistant Commissioner of Endowments reveals that a notification dated 21-2-2002 was published in the local dailies long back on 31-3-2003 calling objections from the general public. That apart, notification was also published in the Gazette dated 10-3-2003 and it was displayed in the notice-board on 4-3-2003. Admittedly, no objections were raised by any one.

In the circumstances, the 1st respondent – Commissioner of Endowments having considered the report submitted by the 2nd respondent – Assistant Commissioner of Endowments, dated 4-2-2003 in which it is stated that the institution does not have sufficient funds at its disposal, concluded that the proposed sale of the land in question would be in the interest of the institution and accordingly passed the impugned proceedings granting sanction as required under Section 80 (1) (a) of the Act.

In the absence of any material to show that the said order passed by the 1st respondent – Commissioner of Endowments is vitiated by any extraneous considerations, I am unable to hold that the said order suffers from infirmity. The record shows that the said order was passed following the procedure as prescribed under Section 80 of the Act.

In the circumstances, the Writ Petition is devoid of any merit and the same is accordingly dismissed. No costs.

G. ROHINI, J.

Dt. 07-03-2006.

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